

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. NATIONAL ACCESS LONG DISTANCE, Respondent.	DOCKET NO. FCU-04-13
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ORDER APPROVING SETTLEMENT AND ASSESSING CIVIL PENALTY

(Issued April 5, 2004)

On February 16, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a "Petition For Proceeding to Impose Civil Penalty" for alleged slamming violations committed by National Access Long Distance (National Access).

In its petition, Consumer Advocate asserted that National Access switched the complaining customer's long distance service without proper authorization in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003).

On March 31, 2004, the parties to this docket, Consumer Advocate and National Access, submitted a joint motion for approval of a settlement. The settlement agreement addresses all issues in the docket and includes a monetary

penalty against National Access in the amount of \$500, which is to be paid within 30 days of the date of this order.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on March 31, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed March 31, 2004, National Access Long Distance is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of the date of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 5th day of April, 2004.